Calendar No. 1047

98TH CONGRESS
2d Session

SENATE

REPORT
98–551

# PRESERVATION OF THE ART BARN AND PIERCE MILL IN ROCK CREEK PARK, DC

JULY 17, 1984.—Ordered to be printed

Filed, under authority of the order of the Senate on June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 1790]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1790) to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia, having considered the same, reports favorably thereon with an amendment to the text, and recommends that the bill, as amended do pass.

The amendment is as follows:

On page 2, after line 11, add new subsection (c) as follows:

> (c) The authority of the Secretary to enter into contracts and cooperative agreements pursuant to this Act shall expire five years after the date of enactment of this Act.

### PURPOSE

S. 1790, as reported, will authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia.

### BACKGROUND

Rock Creek Park provides an area of natural beauty and tranquility within the confines of the District of Columbia. Included within the park are certain structures, namely a carriage house and grist mill, that



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were part of the original Pierce Plantation. For over a decade the National Park Service has entered into annual agreements with the Art Barn Association, a small group of artists from in and around the District of Columbia, to use the carriage house as an admission-free gallery for local artists to display their work.

As a result of the dedicated, volunteer efforts of the Art Barn Association, this carriage house, now known as the Art Barn, has presented an unparalleled opportunity and setting for local artists to display, and for residents of, as well as visitors to, our Nation's Capital to view fine works of contemporary art. Association members would now like to extend their efforts to the mill located adjacent to the carriage house, and this bill would authorize the Secretary of the Interior to enter into a contract or cooperative agreement with these artists in furtherance of this endeavor.

Under the contemplated agreement, the National Park Service would continue to maintain these properties, with the Art Barn Association providing the management and supervision for the art exhibitions and other community outreach cultural programs. This legislation would permit the agreement to last for more than a single year, thus allowing the association to plan exhibitions and programs with greater certainty.

## LEGISLATIVE HISTORY

S. 1790 was introduced by Mr. Thurmond on August 4, 1983. A hearing before the Subcommittee on Public Lands and Reserved Water was held on October 6, 1983. The administration does not object to the measure if amended to include a sunset provision.

At a business session on June 27, 1984, the Committee on Energy and Natural Resources ordered S. 1790, as amended, favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass S. 1790 if amended, as described herein.

The roll call vote on reporting the measure was 20 years, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. McClure | |
| Mr. Hatfield [1] | |
| Mr. Weicker | |
| Mr. Domenici [1] | |
| Mr. Wallop | |
| Mr. Warner | |
| Mr. Murkowski [1] | |
| Mr. Nickles | |
| Mr. Hecht [1] | |
| Mr. Chafee [1] | |
| Mr. Heinz [1] | |
| Mr. Evans | |
| Mr. Johnston [1] | |
| Mr. Bumpers | |

[1] Indicates voted by proxy.

| YEAS | NAYS |
|---|---|
| Mr. Ford | |
| Mr. Matsunaga | |
| Mr. Melcher | |
| Mr. Tsongas [1] | |
| Mr. Bradley | |
| Mr. Levin [1] | |

## COMMITTEE AMENDMENTS

The committee adopted an amendment to S. 1790 as introduced, to provide for a "sunset" provision. Such amendment was recommended by the administration to give the Secretary of the Interior flexibility to evaluate need and changes after 5 years. The committee concurs with this approach.

The committee wishes to stress that the National Park Service should ensure that the activities of the Art Barn Association in the Pierce Mill be consistent with the historic integrity of the mill. The committee believes that protection of the historic values of the mill should continue to be the first priority of the National Park Service.

## COST AND BUDGETARY CONSIDERATIONS

The committee does not intend that this measure (S. 1790) authorize any additional budget authority for fiscal year 1984 than that already available to the Department of the Interior. The committee intends that if any fiscal year 1984 costs are incurred from implementation of the bill that they will be absorbed within funds otherwise available to the Department of the Interior.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 29, 1984.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1790, as ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984. We estimate that enactment of this bill would result in no additional cost to federal, state or local governments.

The bill would codify the authority of the Secretary of the Interior to enter into contracts or cooperative agreements with the Art Barn Association to assist in the preservation of the Art Barn and Pierce Mill located in Rock Creek Park, District of Columbia. The bill does not authorize the appropriation of any new funds for this purpose.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

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[1] Indicates voted by proxy.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1790. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1790 as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1790 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, DC, November 2, 1983.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. MCCLURE: This responds to your request for our views on S. 1790, "To authorize the Secretary to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia."

We do not object to the enactment of this legislation, if amended as suggested below.

This bill would authorize the Secretary to enter into contracts or cooperative agreements with the Art Barn Association to assist in the preservation and interpretation of the barn and mill, including making appropriated funds available to the association.

The Art Barn and Pierce Mill are historically significant Federal properties operated as part of Rock Creek Park. Under Section 2(e) of the 1935 Historic Sites Act, the Secretary is authorized to enter into cooperative agreements with associations or individuals to protect, preserve, or operate historic properties for public use. The only caveat to this authority is that no such contract may obligate the Treasury unless Congress has appropriated money for such purposes.

Under existing law, we have contracted with the Art Barn Association for the past several years for operation and interpretation of the Art Barn for the benefit of the public. Under the contract, which is put out for bid every year, we provide the contractor $20,000 per year to supply this service. By naming the Art Barn Association specifically, the effect of S. 1790 would be to permit us to continue the existing arrangement but without the need to reopen the contract to bidding every year. We believe the Association is performing well and we see no need to go through the bidding process every year. We do suggest,

however, that the bill be amended to include a sunset provision to give us more flexibility in the future. We otherwise support the enactment of S. 1790.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

G. RAY ARNETT,
*Assistant Secretary.*

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill S. 1790 as reported.

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Calendar No. 1048

98TH CONGRESS
*2d Session*

SENATE

REPORT
98–552

# CONVEYING CERTAIN FEDERAL LANDS TO NEW MEXICO STATE UNIVERSITY

JULY 17, 1984.—Ordered to be printed
Filed under authority of the order of the Senate of June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 1859]

The Committee on Energy and Natural Resources, to which was referred the bill S. 1859, for the transfer of certain interests in lands in Dona Ana County, NM, to New Mexico State University, Las Cruces, NM, having considered the same, reports favorably thereon with amendments to the text, and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 6, strike "at no cost," and insert in lieu thereof "at a cost of $2.50 per acre,"
2. On page 2, line 13, strike "half southeast quarter, southeast quarter; and" and insert in lieu thereof the following: "half southeast quarter, southeast quarter southeast quarter; and".

### PURPOSE

The purpose of S. 1859 is to convey 5,711.39 acres from Federal ownership (administered by Department of the Interior/Bureau of Land Management) to the New Mexico State University in order to consolidate ownership of the college experimental ranch where range/livestock research is conducted.

### BACKGROUND

The Act of March 2, 1927, conveyed to the State of New Mexico approximately 52,000 acres of public domain land for the use and benefit of the New Mexico College of Agriculture, now New Mexico State University, for the purpose of conducting educational, demonstrative, and experimental development with livestock grazing

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methods and range forage plants. Mineral rights on the conveyed lands were reserved to the United States.

Interspersed among the 52,000 acres conveyed were 6,357.75 acres of State School lands on which the University has had use of the surface. In 1972 the Bureau of Land Management, through exchange for public and elsewhere, acquired the surface and mineral estates on the 6,357.75 acres of school section lands. These newly acquired lands were opened for mineral leasing and 646.36 acres were subsequently lease for the geothermal resources.

S. 1859, if enacted, would convey the remaining 5,711.39 acres to the university, with a reversionary clause. The 646-acre geothermal lease is not considered appropriate for transfer to the university. Conveyance of these lands to the university would, in essence, complete the conveyance of the college ranch that was begun by the 1927 act.

## LEGISLATIVE HISTORY

S. 1859 was introduced by Mr. Domenici on September 20, 1983. A hearing before the Public Lands and Reserved Water Subcommittee was held on May 22, 1984, in Washington, DC. The administration does not object to the conveyance if amended to provide for consideration at $2.50 per acre.

At a business session on June 27, 1984, the Committee on Energy and Natural Resources ordered S. 1859, as amended, favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass S. 1859 if amended, as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. McClure | |
| Mr. Hatfield [1] | |
| Mr. Weicker | |
| Mr. Domenici [1] | |
| Mr. Wallop | |
| Mr. Warner | |
| Mr. Murkowski [1] | |
| Mr. Nickles | |
| Mr. Hecht [1] | |
| Mr. Chafee [1] | |
| Mr. Heinz [1] | |
| Mr. Evans | |
| Mr. Johnston [1] | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Matsunaga | |
| Mr. Melcher | |
| Mr. Tsongas [1] | |
| Mr. Bradley | |
| Mr. Levin [1] | |

[1] Indicates voted by proxy.

## COMMITTEE AMENDMENTS

The committee adopted two amendments to S. 1859.

Amendment No. 1 amends the text to accommodate the administration's recommendation to require New Mexico State University to pay the $2.50 per acre normally paid by governmental entities for conveyances for public purposes under the Recreation and Public Purposes Act.

Amendment No. 2 is a technical amendment to perfect the legal description of the lands to be conveyed.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 29, 1984.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1859, a bill for the transfer of certain interests in lands in Dona Ana County, NM, to New Mexico State University, Las Cruces, NM, as ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984.

This bill authorizes the Secretary of the Interior to convey approximately 5,711 acres of land, at $2.50 per acre, to the New Mexico State University. Besides the purchase price of approximately $14,000, it is expected that enactment of S. 1859 would result in no additional cost to Federal, State, or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1859. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1859 as reported.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1859 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., June 28, 1984.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1859, a bill "For the transfer of certain interests in lands in Dona Ana County, NM, to New Mexico State University, Las Cruces, NM."

We would not object to enactment of S. 1859 if it is amended as suggested herein.

The first section of S. 1859 would direct the Secretary of the Interior to convey to New Mexico State University, at no cost, but subject to valid existing rights, all right, title, and interest of the United States in approximately 5,711.39 acres of public lands in Dona Ana County, NM. The bill would authorize the lands to be used for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants and other agricultural related research.

Section 2 of the bill would reserve to the United States all minerals in the lands.

Section 3 specifies that if the lands are used for any purposes other than those authorized in the first section, the entire tract shall immediately revert to the United States.

The lands which are the subject of this legislation comprise a portion of New Mexico State University's College Ranch. The college ranch was established over 50 years ago, when the Congress, by the act of March 2, 1927, conveyed to the State of New Mexico approximately 52,000 acres of public domain land for the use and benefit of the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University, for the purpose of conducting educational, demonstrative, and experimental development with livestock grazing methods and range forage plants. In addition, the 1927 act reserved the mineral resources of the lands to the United States.

Public Land Order 4263 of August 11, 1967, withdrew the 52,000 acres from appropriation under the mining laws but not the mineral leasing laws, in aid of the programs of New Mexico State University. Interspersed among the 52,000 acres conveyed under the 1927 act were 6,357.75 acres of State school lands, including the 5,711.39 acres described in S. 1859. In 1972, the Bureau of Land Management acquired the surface and mineral estates of the 6,357.75 acres from the State of New Mexico in exchange for public land elsewhere in the State. On March 7, 1980, the 6,357.75 acres of university lands were opened to mineral leasing.

Substantial areas of the ranch have been leased noncompetitively for geothermal resources as well as oil and gas. Competitive geothermal leases have been issued for three sections that are located within the Radium Springs Known Geothermal Resources Areas [KGRA]. Two of those sections were part of the 1927 conveyance. The other section of leased land lies within the 6,357.75 acre area. Conveyance of that section to the university could result in interference with lease operations.

However, we understand that the university has indicated that the section in question is not critical to the research programs being conducted on the college ranch.

Therefore, since 1927, the university has used the surface of approximately 58,357.75 acres for the college ranch but has authority to use only 52,000 acres. As noted, the remaining 6,357.75 acres, only the section that has been leased for geothermal development, comprising approximately 646.36 acres, is not appropriate for transfer to the university. S. 1859 would convey the remaining 5,711.39 acres to the university and accord those lands the same status as the rest of the college ranch.

Authority exists under current law for the transfer of the land to the university. First it could be sold to the university at fair market value under section 203 of the Federal Land Policy and Management Act. Second, it could be sold under the Recreation and Public Purposes Act. That act limits sales to a maximum of 640 acres per year. It also requires that the lands be used for public purposes, and that the minerals in the lands be reserved to the United States.

The conveyance provisions of S. 1859 are similar to those found in the Recreation and Public Purposes Act, except that the entire 5,711.39 acres could be conveyed at one time under the provisions of the bill rather than in increments of 640 acres per year.

Although we prefer to make conveyances of this nature under the Recreation and Public Purposes Act, we recognize that the act's acreage limitation on annual conveyances would make acquisition of the lands by the university a difficult and long drawn-out process. Therefore, we would have no objection to conveying the entire 5,711.39 acres by this legislation, provided that the university be required to pay the price normally paid by governmental entities for conveyances for public purposes under the Recreation and Public Purposes Act, that is, $2.50 per acre.

In addition, we note that there is an error in description in the bill. On page 2, line 13 should read as follows: "half southeast quarter, southeast quarter southeast quarter; and".

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

LEONA A. POWER,
*Acting Assistant Secretary.*

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill S. 1859.

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